



Advisory

To: CONSUMER PRODUCT MANUFACTURERS

Number 345

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CHANGES TO THE PRODUCT DATING REQUIREMENTS FOR CONSUMER PRODUCTS

The purpose of this advisory is to remind the consumer products industry that changes have been made to the product dating requirements in the California Consumer Products Regulation (title 17, California Code of Regulations (CCR), sections 94507-94517).

For many years the Consumer Products Regulation (Regulation) has required manufacturers to clearly display on each consumer product container or package either: (1) the day, month, and year on which the product was manufactured, or (2) a code indicating such date ("date-code"). This requirement applies only to consumer products subject to section 94509 of the Regulation (i.e., products for which VOC standards are specified in the Table of Standards and charcoal lighter materials), and the date or date-code must be displayed no later than twelve months prior to the effective date of the applicable standard in the Table of Standards. (see title 17, CCR, section 94512(b)(1) and (b)(3)).

These basic product dating requirements are unchanged. What has changed are the requirements for manufacturers who use date-codes instead of displaying the actual day, month, and year on which the product was manufactured. Manufacturers now have three options: (1) display the actual day, month, and year on which the product was manufactured, (2) use the "standard date-code" specified in the Regulation, or (3) use the manufacturer's own code. The requirements in the Regulation differ depending on which option the manufacturer chooses.

Requirements for Manufacturers who do not use the "Standard Date-Code."

The Regulation now requires that if a manufacturer uses any date-code other than the standard date-code described below, an explanation of the code must be filed with the Air Resources Board (ARB) on an annual basis, beginning in 2006. The explanation of the code must be received by the ARB on or before January 31st of each year, with the first explanation due on or before January 31, 2006. For product categories where the VOC standard has not yet become effective, manufacturers are not required to file this explanation until twelve months prior to the effective date of the new standard (see title 17, CCR, section 94512(c)(1)).

In addition to this annual filing requirement, a notification requirement also applies to manufacturers that do not use the standard date-code. If a manufacturer changes their date-code, an explanation of the modified code must be received by the ARB before any products displaying the modified code are sold, supplied, or offered for sale in California (see title 17, CCR, section 94512(c)(2)). Manufacturers who fail to file an explanation of their date-code annually or upon modification will be subject to enforcement action.

Requirements for Manufacturers who use the “Standard Date-Code.”

The standard date-code has two components. First, the standard date-code must be represented separately from other codes on the product container so that it is easily recognizable. Second, the date-code must be in the following format:

YY DDD = year, year, day, day, day

Where: “YY” = two digits representing the year in which the product was manufactured, and
“DDD” = three digits representing the day of the year on which the product was manufactured, with “001” representing the first day of the year, “002” representing the second day of the year, and so forth, which is commonly referred to as the “Julian Date”.

There is an advantage for manufacturers who use the standard date-code instead of their own date-code. Manufacturers who use the standard date-code do not have to file annual date-code explanations with the ARB as described above. In other words, manufacturers who use the standard date-code are exempt from the filing requirements in title 17, CCR, section 94512(c)(1).

Requirements for Manufacturers who Display the “Actual” Date of Manufacture.

Manufacturers who do not want to use any type of date-code can continue to display the actual date of manufacture as the day, month, and year. This is commonly referred to as a “Calendar format.” Dates using a Calendar format must be clearly displayed and should be separated from other codes. Manufacturers who choose a Calendar format also do not have to file annual date-code explanations with the ARB (i.e., they are exempt from the filing requirements of title 17, CCR, section 94512(c)(1)). Manufacturers also do not need to report to the ARB if they change one type of Calendar format to another type, or if they begin using the standard date-code instead of a Calendar format.

Examples of a Calendar format may look like this:

01-02-05	=	January 02, 2005; or
Jan 02, 2005	=	January 02, 2005; or
01/02/05	=	January 02, 2005

Other Product Dating Requirements

There is an additional requirement that will become effective on January 1, 2006. For products manufactured on or after January 1, 2006, all dates and date-codes must be displayed on product containers such that they are readily observable without irreversibly disassembling any portion of the product container or packaging. A date or date-code can be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging (see title 17, CCR, section 94512(b)(4)). However, products sold in multi-unit packages may comply with this requirement by displaying the date of assembly such that it is readily observable instead of the date of manufacture of each of the containers in the multi-unit package. Shipping cartons or boxes are not considered to be multi-unit packages.

Finally, we would like to remind consumer products manufacturers that all date-codes explanations are public information and may not be claimed as confidential (see title 17, CCR, section 94512(c)(4)). Portions of product code that do not represent the date of manufacture are not date-codes and do not need to be reported to the ARB.

Date-code explanations should be sent to:

Julie Gonzales
California Air Resources Board
Consumer Products Enforcement Section
P.O. Box 2815, Sacramento CA 95812

A complete listing of the categories of products subject to the Consumer Products Regulation can be found on the ARB's website at: <http://www.arb.ca.gov/consprod/regs/regs.htm>

If you have any questions about this advisory, or would like more information about the Consumer Products Regulation, please contact Julie Gonzales at (916) 327-5617, or by Email at jgonzale@arb.ca.gov. Address written inquiries to:

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